

MERCHANT, GOULD, SMITH, EDELL, WELTER &amp; SCHMIDT

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OPTICAL CABLE EXIT TROUGH

The specification of which

- a. ☒ is attached hereto  
b. ☐ was filed on \_\_\_\_\_ as application serial no. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. \_\_\_\_\_ filed \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.  
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s), and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adriano, Sarah B.	Reg. No. 34,470	Kowalchyk, Katherine M.	Reg. No. 36,848
Albrecht, John W.	Reg. No. 40,481	Lacy, Paul E.	Reg. No. 38,946
Batzli, Brian H.	Reg. No. 32,960	Larson, James A.	Reg. No. 40,443
Beard, John L.	Reg. No. 27,612	Lasky, Michael B.	Reg. No. 29,555
Beck, Robert C.	Reg. No. 28,184	Lindquist, Timothy A.	Reg. No. 40,701
Berman, Charles	Reg. No. 29,249	Lynch, David W.	Reg. No. 36,204
Bogucki, Raymond A.	Reg. No. 17,426	Mau, Michael L.	Reg. No. 30,087
Bruess, Steven C.	Reg. No. 34,130	Maunu, Leroy D.	Reg. No. 35,274
Byrne, Linda M.	Reg. No. 32,404	McDaniel, Karen D.	Reg. No. 37,674
Canady, Karen S.	Reg. No. 39,927	McDonald, Daniel W.	Reg. No. 32,044
Carlson, Alan G.	Reg. No. 25,959	McIntyre, Iain A.	Reg. No. 40,377
Carter, Charles G.	Reg. No. 35,093	Mueller, Douglas P.	Reg. No. 30,300
Caspers, Philip P.	Reg. No. 33,227	Nasiedlak, Tyler L.	Reg. No. 40,099
Chiapetta, James R.	Reg. No. 39,634	Nelson, Albin J.	Reg. No. 28,650
Clifford, John A.	Reg. No. 30,247	Orler, Anthony J.	Reg. No. 41,232
Conrad, Timothy R.	Reg. No. 30,164	Pauly, Daniel M.	Reg. No. 40,123
Cooper, Victor G.	Reg. No. 39,641	Plunkett, Theodore	Reg. No. 37,209
Crawford, Robert	Reg. No. 32,122	Pollinger, Steven J.	Reg. No. 35,326
Daignault, Ronald A.	Reg. No. 25,968	Pytel, Melissa J.	Reg. No. P-41,512
Daley, Dennis R.	Reg. No. 34,994	Reich, John C.	Reg. No. 37,703
Dalglish, Leslie E.	Reg. No. 40,579	Reiland, Earl D.	Reg. No. 25,767
Daulton, Julie R.	Reg. No. 36,414	Rittmaster, Ted R.	Reg. No. 32,933
DiPietro, Mark J.	Reg. No. 28,707	Schmaltz, David G.	Reg. No. 39,828
Edell, Robert T.	Reg. No. 20,187	Schmidt, Cecil C.	Reg. No. 20,566
Epp Ryan, Sandra	Reg. No. 39,667	Schuman, Mark D.	Reg. No. 31,197
Farber, Michael B.	Reg. No. 32,612	Schumann, Michael D.	Reg. No. 30,422
Funk, Steven R.	Reg. No. 37,830	Sebald, Gregory A.	Reg. No. 33,280
Gates, George H.	Reg. No. 33,500	Sharp, Janice A.	Reg. No. 34,051
Glance, Robert J.	Reg. No. 40,620	Skoog, Mark T.	Reg. No. 40,178
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Gorman, Alan G.	Reg. No. 38,472	Sumner, John P.	Reg. No. 29,114
Gould, John D.	Reg. No. 18,223	Sumners, John S.	Reg. No. 24,216
Gresens, John J.	Reg. No. 33,112	Tellekson, David K.	Reg. No. 32,314
Hamre, Curtis B.	Reg. No. 29,165	Underhill, Albert L.	Reg. No. 27,403
Hillson, Randall A.	Reg. No. 31,838	Vandenburgh, J. Derek	Reg. No. 32,179
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Johnston, Scott W.	Reg. No. 39,721	Welter, Paul A.	Reg. No. 20,890
Kastelic, Joseph M.	Reg. No. 37,160	Williams, Douglas J.	Reg. No. 27,054
Kettelberger, Denise	Reg. No. 33,924	Wood, Gregory B.	Reg. No. 28,133
Komanduri, Janaki	Reg. No. 40,684	Xu, Min S.	Reg. No. 39,536
Kowalchyk, Alan W.	Reg. No. 31,535		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless, until I instruct Merchant, Gould, Smith, Edell, Welter & Schmidt to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,  
Welter & Schmidt  
3100 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-4131

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Haataja	First Given Name Timothy	Second Given Name Jon
0	Residence & Citizenship	City Prior Lake	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
1	Post Office Address	Post Office Address 18935 Natchez Avenue	City Prior Lake	State & Zip Code/Country Minnesota 55372 U.S.A.
Signature of Inventor 201: <i>Timothy Jon Haataja</i>			Date: <i>11/17/97</i>	

  

2	Full Name Of Inventor	Family Name Kampf	First Given Name Thomas	Second Given Name Walter
0	Residence & Citizenship	City Minnetonka	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
2	Post Office Address	Post Office Address 5606 Pompano Drive	City Minnetonka	State & Zip Code/Country Minnesota 55343 U.S.A.
Signature of Inventor 202: <i>[Signature]</i>			Date: <i>[Signature]</i>	

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OPTICAL CABLE EXIT TROUGH.

The specification of which

a. ☐ is attached hereto

b. ☒ was filed on November 17, 1997 as attorney docket no. 2316.868-US-01 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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Kowalchyk, Alan W.	Reg. No. 31,535		

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Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,  
Welter & Schmidt  
3100 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-4131

Table 1. Demographic characteristics of the study population	
Age (years)	Mean (SD)
18-24	20.5 (2.5)
25-34	29.5 (4.5)
35-44	39.5 (5.5)
45-54	49.5 (6.5)
55-64	59.5 (7.5)
65-74	69.5 (8.5)
75-84	79.5 (9.5)
85-94	89.5 (10.5)
95-104	99.5 (11.5)
105-114	109.5 (12.5)
115-124	119.5 (13.5)
125-134	129.5 (14.5)
135-144	139.5 (15.5)
145-154	149.5 (16.5)
155-164	159.5 (17.5)
165-174	169.5 (18.5)
175-184	179.5 (19.5)
185-194	189.5 (20.5)
195-204	199.5 (21.5)
205-214	209.5 (22.5)
215-224	219.5 (23.5)
225-234	229.5 (24.5)
235-244	239.5 (25.5)
245-254	249.5 (26.5)
255-264	259.5 (27.5)
265-274	269.5 (28.5)
275-284	279.5 (29.5)
285-294	289.5 (30.5)
295-304	299.5 (31.5)
305-314	309.5 (32.5)
315-324	319.5 (33.5)
325-334	329.5 (34.5)
335-344	339.5 (35.5)
345-354	349.5 (36.5)
355-364	359.5 (37.5)
365-374	369.5 (38.5)
375-384	379.5 (39.5)
385-394	389.5 (40.5)
395-404	399.5 (41.5)
405-414	409.5 (42.5)
415-424	419.5 (43.5)
425-434	429.5 (44.5)
435-444	439.5 (45.5)
445-454	449.5 (46.5)
455-464	459.5 (47.5)
465-474	469.5 (48.5)
475-484	479.5 (49.5)
485-494	489.5 (50.5)
495-504	499.5 (51.5)
505-514	509.5 (52.5)
515-524	519.5 (53.5)
525-534	529.5 (54.5)
535-544	539.5 (55.5)
545-554	549.5 (56.5)
555-564	559.5 (57.5)
565-574	569.5 (58.5)
575-584	579.5 (59.5)
585-594	589.5 (60.5)
595-604	599.5 (61.5)
605-614	609.5 (62.5)
615-624	619.5 (63.5)
625-634	629.5 (64.5)
635-644	639.5 (65.5)
645-654	649.5 (66.5)
655-664	659.5 (67.5)
665-674	669.5 (68.5)
675-684	679.5 (69.5)
685-694	689.5 (70.5)
695-704	699.5 (71.5)
705-714	709.5 (72.5)
715-724	719.5 (73.5)
725-734	729.5 (74.5)
735-744	739.5 (75.5)
745-754	749.5 (76.5)
755-764	759.5 (77.5)
765-774	769.5 (78.5)
775-784	779.5 (79.5)
785-794	789.5 (80.5)
795-804	799.5 (81.5)
805-814	809.5 (82.5)
815-824	819.5 (83.5)
825-834	829.5 (84.5)
835-844	839.5 (85.5)
845-854	849.5 (86.5)
855-864	859.5 (87.5)
865-874	869.5 (88.5)
875-884	879.5 (89.5)
885-894	889.5 (90.5)
895-904	899.5 (91.5)
905-914	909.5 (92.5)
915-924	919.5 (93.5)
925-934	929.5 (94.5)
935-944	939.5 (95.5)
945-954	949.5 (96.5)
955-964	959.5 (97.5)
965-974	969.5 (98.5)
975-984	979.5 (99.5)
985-994	989.5 (100.5)
995-1004	999.5 (101.5)
1005-1014	1009.5 (102.5)
1015-1024	1019.5 (103.5)
1025-1034	1029.5 (104.5)
1035-1044	1039.5 (105.5)
1045-1054	1049.5 (106.5)
1055-1064	1059.5 (107.5)
1065-1074	1069.5 (108.5)
1075-1084	1079.5 (109.5)
1085-1094	1089.5 (110.5)
1095-1104	1099.5 (111.5)
1105-1114	1109.5 (112.5)
1115-1124	1119.5 (113.5)
1125-1134	

2	Full Name Of Inventor	Family Name Haataja	First Given Name Timothy	Second Given Name Jon
0	Residence & Citizenship	City Prior Lake	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
1	Post Office Address	Post Office Address 18935 Natchez Avenue	City Prior Lake	State & Zip Code/Country Minnesota 55372 U.S.A.
Signature of Inventor 201:			Date:	

  

2	Full Name Of Inventor	Family Name Kampf	First Given Name Thomas	Second Given Name Walter
0	Residence & Citizenship	City Minnetonka	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
2	Post Office Address	Post Office Address 5606 Pompano Drive	City Minnetonka	State & Zip Code/Country Minnesota 55343 U.S.A.
Signature of Inventor 202:			Date:	

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

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  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.